
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

EDWARD G. CASTILOW, §
TDCJ 1204165, §
Plaintiff, §
§
§
versus § CIVIL ACTION H-09-153
§
§
LT. RONALD C. RIVERS, *ET AL.*, §
§
§
Defendants. §

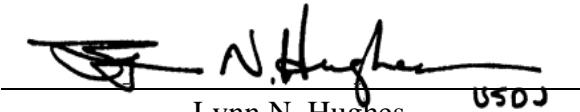
Opinion on Dismissal

Edward G. Castilow is a Texas prisoner. Castilow is proceeding as a pauper. He sues Warden James Jones, Lt. Ronald Rivers, and Susan Rivas, over lost personal property. He says Rivers threw away his belongings and Jones and Rivers did not properly investigate the matter under the prison grievance procedures. He seeks reimbursement for the lost property. Castilow's grievance papers show that Rivers confiscated the property because Castilow left it in the dayroom and it was considered abandoned. Castilow is not complaining that the prison's process is unconstitutional. He says Rivers should have warned him before discarding his property. Random property deprivations do not violate due process where the plaintiff has an adequate post-deprivation remedy under state law. *Hudson v. Palmer*, 468 U.S. 517, 535 (1984). Texas provides a reasonable post-deprivation remedy for the loss of personal property. *Murphy v. Collins*, 26 F.3d 541, 543-44 (5th Cir. 1994); *Myers v. Adams*, 728 S.W. 2d 771, 772 (Tex. 1987). Castilow does not have a due process liberty interest in having his grievances investigated and decided. *Geiger v. Jowers*, 404 F.3d 371, 373-74 (5th Cir. 2005) (the plaintiff "does not have a federally protected liberty interest in having [his] grievances resolved to his satisfaction.").

Castilow fails to state a claim recognized at law. 28 U.S.C. § 1915(e)(2)(B). This case will be dismissed. The Texas Department of Criminal Justice will deduct 20% of each

deposit made to the plaintiff's inmate trust account and pay this to the court regularly, provided the account exceeds \$10, until the filing fee, \$350, is paid. The clerk will send a copy to the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793 and to the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702, Attention: Betty Parker.

Signed on January 27, 2009, at Houston, Texas.



Lynn N. Hughes
United States District Judge